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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,043

09/26/2003

Daniel White Sexton

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EXAMINER

SINKANTARAKORN, PAWARIS

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

10/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/672,043	Applicant(s) SEXTON ET AL.	
	Examiner PAO SINKANTARAKORN	Art Unit 2416	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-20.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Ricky Ngo/
 Supervisory Patent Examiner, Art Unit 2616

/Pao Sinkantarakorn/
 Examiner, Art Unit 2416

Continuation of 11. does NOT place the application in condition for allowance because:

On page 3 of the Remarks, the Applicant submits that Scott fails to describe a first portion being configured to manage collisions among a first set of messages transmittable from a first point to a second point; and a second portion being configured to transmit free of collision management a second set of messages transmittable from the second point to the first point. The Examiner respectfully disagrees. Scott describes a switch module for performing switch and filtering functions, wherein the filtering functions serves to reduce the amount of traffic by eliminating extraneous traffic (see column 9 lines 60-62 and column 10 lines 52-58). The steps of managing collision is not defined in the claim; therefore, the Examiner broadly interprets the switch and filtering functions, which serve to reduce the amount of traffic by eliminating extraneous traffic, as the collision management. Scott also describes that the converter module 174 is a bi-directional converter for converting the rate of data between the switch module 172 and the repeater module 176 (see column 10 lines 31-41); therefore, the switch module is configured to manage collisions among a first set of messages transmittable from the first point to the second point and also from the second point to the first point.

On page 5 of the Remarks, the Applicant submits that Matteson fails to describe a first plurality of connectios and a second plurality of connections. The Examiner respectfully disagrees. Matteson describes connectivity device 34 provides network with a single point of connect such that communication devices are added to network 70 (see column 5 lines 3-7 and 61-65); therefore, there are plurality of connections connecting communication devices 16 to the single point of connect (SPOC). Also, the Applicant requests that the Examiner clarify the plurality of "nodes" that the Examiner relied upon in the previous office action. The Examiner respectfully directs the Applicant to column 6 lines 9-31, where Matteson describes connectivity device 34 is connected to a network (not shown), such as network 10, wherein network 10 comprises a plurality of communication devices 16. Also, the Examiner respectfully points out that it is also inherent to have plurality of communication devices in a network, or else there is no need to have a hub/switch/repeater/router. Also, Matteson describes the CPU 150 utilizes communications with storage device, hub module, switch, repeater, router and port; therefore, Matteson can be read as receiving messages transmitted from first points on a bi-directional communication network.

On page 8 of the Remarks, the Applicant submits that it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine the elements in the way the claimed new invention does. The Examiner respectfully directs the Applicant to paragraph 6 of Kalkunte, wherein Kalkunte describes Hubs or repeaters essentially copy and "broadcast" incoming data to a plurality of spokes of the hub. The motivation to combine is that it provides broadcasting ability to a communication device.